



***Aboriginal news from across Turtle Island and beyond  
June 17-21, 2013***

## **Judge criticizes sentencing report for ignoring convicted murderer's Native heritage**

[Ottawa Citizen](#)

June 18, 2013

Andrew Seymour



*A sentencing hearing for Toby Little Otter Land was to begin Tuesday in Ottawa. Land was convicted of second-degree murder in the 2011 death of Dominic Rock Doyon.*

OTTAWA — Two Ottawa judges have raised concerns with what they described as inadequate sentencing reports for Aboriginal offenders, finding that reports prepared by Ottawa's probation office lacked crucial details they needed about two Native men's pasts to properly sentence them.

The lawyer for one of the men, convicted murderer Toby Little Otter Land, went so far as to suggest the report prepared for her client also included an "inappropriate racial stereotype" when it asserted Land wasn't remorseful because of his stoic expression when asked about the killing.

"What I really took issue with is what I saw as the same kind of racial, stereotypical, prejudicial opining that existed in the Donald Marshall case," said lawyer Anne London-Weinstein, referring to the infamous case of an Aboriginal man wrongly convicted of murder.

"There is this expectation that he should appear a certain way — in my submission it would be a 'white' way — and because that wasn't there, this comment was made on it," said London-Weinstein.

London-Weinstein said the issues she saw in Land's report are part of an "institutional problem" in Ottawa when it comes to the preparation of Gladue reports. The reports are named after the Supreme Court decision that requires judges to consider the unique systemic or background factors that might have brought an Aboriginal offender before the court.

Judges must take judicial notice of the history of colonialism, displacement and residential schools and how that history has translated into lower educational attainment, lower income, higher unemployment, higher rates of substance abuse and levels of incarceration for Aboriginal people that has resulted in a severe and chronic over-representation of Aboriginal people behind bars.

In Land's case, Ontario Superior Court Justice Catherine Aitken concluded his report was both "really lacking" and "not very helpful."

Land was found guilty of second-degree murder earlier this year for killing Dominic Doyon in a Lowertown apartment. Land is facing an automatic life sentence for the crime, but Aitken has to decide when he can apply for parole. Land's sentencing hearing is expected to begin Tuesday.

More information about his background came out during his trial than in the report intended for that purpose, Aitken complained.

Land's trial heard how as an 18-month old he was taken from his mother after being found barefoot with her on Elgin Street in December. His younger siblings were at home in the care of an intoxicated man.

Six months later, he was strapped to his mother's back in what is now Nunavut when his rapist father attacked her. When police arrived, Land's father was standing over his mother holding a large hunting knife, according to a psychiatrist's report.

It's suspected the two-year-old smashed his head on the floor during the fall, although he was never seen by a doctor since medical treatment wasn't available in their remote Arctic community.

Neither incident was mentioned in the report, Aitken said. The report also made no mention of residential schools and how they affected Land's family, or of his mother's alcoholism, according to the judge.

Sexual and physical abuse Land alleged he suffered as a child were barely mentioned, the judge noted.

Land testified during his murder trial that he might have called Doyon a “diddler” before viciously attacking him with a hammer after a night of drinking. Doyon was later stabbed with a sword and beaten with crutches by Land and his roommate, Carl St. Cyr. Witnesses said Land had earlier warned Doyon to end his sexual relationship with a 15-year-old girl.

“I have trouble thinking of another case that I’ve had where there’s so much that cries out for being discussed and explored, especially under the requirements of Gladue, and it’s just not here,” said Aitken.

“It is important that I have a complete, well-crafted report for my purposes,” she said. “And I don’t think this report meets that standard.”

Ontario Superior Court Justice Timothy Ray voiced similar concerns last month about a report for a convicted rapist, a Cree man who impregnated a 12-year-old.

“I’m not satisfied Probation should do the report ... unless they’re properly equipped,” said Ray. “I’m just concluding they don’t know, they just, they don’t have the experience or training locally to do that.”

Ray said the report lacked detail about the man’s Aboriginal roots, and didn’t provide reasonable sentencing alternatives he was required to consider before sentencing him.

Ministry of Community Safety and Correctional Services spokesman Brent Ross said probation officers receive comprehensive training and are properly equipped to write reports with Gladue content, but they don’t provide actual Gladue reports. Proper Gladue reports are available in some parts of the province, but not in Ottawa.

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## **400-year-old skeleton of aboriginal woman found in Sarnia backyard costs couple \$5,000**

[Toronto Star](#)

June 17, 2013



*Sarnia residents Ken Campbell and Nicole Sauve found human remains in their backyard that a forensic anthropologist thinks belong to a First Nations woman who was part of a hunting, gathering and fishing society. Photo courtesy Nicole Sauve /*

A Sarnia couple who set out to build a fence dug up more than they bargained for recently when they unearthed a 400-year-old skeleton and got stuck with a \$5,000 bill from the province.

The archeological misadventure began two weeks ago when Ken Campbell came across some bones while digging post holes in their backyard.

He put them aside, thinking they must have belonged to an animal. The following week, his wife, Nicole Sauve, asked about the bones, which sat unceremoniously atop a bucket of earth

"I said, 'They're not animal bones, Ken. Let's dig some more and see what we can find,' "she said.

What they found was the rest of the skeleton of an aboriginal woman.

The OPP, who taped off the couple's backyard, called in forensic anthropologist Michael Spence to examine the site.

Spence told the Star that the skeleton was that of a woman who was about 24 years old when she died, probably in the late 1500s or early 1600s.

The condition of her teeth led him to suspect she was part of hunting, gathering and fishing society.

The couple lives by the Blue Water Bridge, an area that once was the centre of an Ojibwa trade network. Spence said the woman is probably a descendant of those merchants.

After Spence determined there was no recent foul play involved, the Registrar of Cemeteries was contacted. They told Sauve she had to hire an archeologist to conduct an assessment in her backyard — at her own expense.

Under Ontario's Funeral, Burial and Cremation Services Act, property owners are responsible for the costs of an archeological assessment if human remains are found on their land.

Sauve, whose final bill is for \$5,000, has appealed to the mayor of Sarnia to pay the archeologist. She's steadfast in her belief that it doesn't matter what level of government steps in to pay, as long as she doesn't have to.

"I did the right thing by her . . . and this is what's happening," she said.

Sauve said she's heard that people from the nearby Aamjiwnaang First Nation are raising money to pay the bill, but they haven't approached her directly. No one from the band council office was available Friday to confirm those efforts.

Bob Bailey, the MPP for the area, saw her story in the local newspaper and his staff did some research into the couple's predicament. He found out that Sauve can make a request to the Registrar of Cemeteries to determine if paying for the excavation would be considered an "undue financial burden." The registrar will then either reimburse her or pay the bill directly.

Bailey said he has spoken to the minister of consumer services (the Funeral, Burial and Cremation Services Act falls under her purview) and her staff, and intends to make sure Sauve won't have to pay.

Sauve originally wanted to keep the skeleton of the woman — whom she named Sephira, after her granddaughter — where she was, but found out her land would have to be re-surveyed and another deed issued stating there's a cemetery on the land.

She reluctantly agreed to have the bones disinterred and reinterred at the cemetery on the Aamjiwnaang First Nation. The woman is likely distantly related to the residents of the reserve nearby.

They performed a traditional ceremony at her house when they first found the bones, and then again after they moved her. The cemetery has a space specially designated for repatriated remains, where the skeleton now rests.

Sauve said people have been telling her that if they end up in a similar situation, they won't alert authorities and risk having to fork over the cash to pay the bill.

"That is awful," she said. "God forbid you have a murder victim, and you cover them up. Never will that person be brought home; never will their family have closure."

## **Federal Court decision could have significant implications for First Nations families across Canada**

[Hill Times](#)

06/17/2013 12:00 am EDT

Matt Moir

A recent Federal Court decision that requires the federal government to contribute more robustly to the health-care needs of First Nations children on reserves could have significant implications for First Nation families across Canada.

Experts watching the case say that the court's decision to make Ottawa reimburse a Nova Scotia tribal band for costs associated with the care of a severely-disabled teen could set a precedent that ensures aboriginal children living on reserves have the same access to health care as children off reserve. The precedent, though, hinges on the result not being overturned on appeal.

The case centres around Jeremy Meawasige, an 18-year-old resident of the Pictou Landing reserve in Nova Scotia, a Mi'qmaq community

Mr. Meawasige is autistic, and has hydrocephalus, cerebral palsy, and spinal curvature. He is also self-abusive, and can communicate only with his mother, Maurina Beadle.

Ms. Beadle took care of her son on a full-time basis until 2010 when she suffered a massive stroke, leaving her unable to give Mr. Meawasige the round-the-clock care he requires. Since then, the bill for Mr. Meawasige's home care and medical needs has been covered by the band's home-care budget.

The costs associated with keeping Mr. Meawasige at home, however, are significant; the \$8,200 the band spends every month eats up 80 per cent of the total budget. The federal government has been contributing \$2,200 per month.

In April, a Federal Court ruled that the federal government should contribute more than \$2,200 per month to Mr. Meawasige's health-care needs. In his decision, Justice Leonard Mandamin ruled that the Pictou Landing Band Council is "entitled to reimbursement beyond the \$2,200 maximum as it relates to Jeremy's needs for assistance," though he did not stipulate the exact amount of funds the federal government should contribute.

Citing the band's inability to maintain the \$8,200 monthly payments, Mr. Mandamin wrote in his ruling, "The only other option for Jeremy would be institutionalization and separation from his mother and his community. His mother is the only person who, at times, is able to understand and communicate with him."

Mr. Mandamin continued, "Jeremy would be disconnected from his community and his culture. He, like sad little Jordan, would be institutionalized, removed from family and the only home he has known. He would be placed in the same situation as was little Jordan."

The "Jordan" that Mr. Mandamin referred to is Jordan River Anderson, a child from the Norway House Cree Nation in Manitoba. Jordan was born with a complex genetic disorder that required specialized care, and spent more than two years in hospital while the Manitoba government and the federal government wrangled over who would pick up the bill for his care. Jordan died at the age of four years old.

From Jordan Anderson's death emerged "Jordan's Principle," a 2007 Parliamentary motion unanimously voted upon in the House of Commons, that is designed to have federal and provincial governments set aside jurisdictional disputes when dealing with issues related to First Nation people with severe disabilities living on reserves, and provide those individuals the support they need, commensurate with what an individual living off reserve would receive under similar circumstances. Under Jordan's Principle, the initial service provider would "continue to pay for necessary services until there is a resolution," according to the Department of Aboriginal Affairs and Northern Development.

Mr. Mandamin's decision noted that in the Meawasige case there is no jurisdictional conflict, but Jordan's Principle should still be followed, as it "is not to be narrowly interpreted."

Andrea Auger of the First Nations Child and Family Caring Society of Canada told *The Hill Times* that the court's ruling in the Meawasgie case was based on the spirit of Jordan's Principle, and the attempt to make children's welfare the top priority.

"It could really highlight the best practices of Jordan's Principle being implemented across not just health services but perhaps other services as well. Just making sure that First Nations children come first, as opposed to being sidelined by government disputes," said Ms. Auger.

In May, however, the federal government decided to challenge the court's decision. The Justice Department filed a notice of appeal that said that Justice Mandamin erred in his interpretation and application of Jordan's Principle.

Some have reacted disdainfully to the Justice Department's decision to appeal. Paul Champ, the lawyer who represents Mr. Meawasige's mother, Maureen Beadle, called the decision "shameful."

In an email to the CBC, he wrote, "I think it looks terrible for the government to be seen opposing Jordan's Principle and equality for disabled First Nations children."

Other experts, though, have taken a more cautious approach to the appeal. Cheryl Milne, executive director of the University of Toronto's David Asper Centre for Constitutional Rights, and chairperson of the Canadian Coalition for the Rights of the Child, said that one should not assume that the government is aiming to get rid of Jordan's Principle.

"This is the first case in which the principle has actually been used, so the question is by appealing it, is the government sending a signal that they don't wish to adhere to it? I think that might be over-interpreting what the reason for appeal [was] so that might not be completely fair. Although I do have some sympathy, it's a principle that one would like to see honoured," said Ms. Milne.

Ms. Auger, of the First Nations Child and Family Caring Society, said that the government's decision to appeal "does not bode well" for an improvement in the relationship between the government and some in First Nation communities.

*The Hill Times*

## **Shawn Atleo, Assembly of First Nations chief, has little to show his people: Tim Harper**

[Toronto Star](#)

June 17, 2013

Tim Harper



*A groundbreaking January meeting was seen as a tipping point in aboriginal-government relations, but Shawn Atleo now laments the lack of progress. CHRIS WATTIE / REUTERS file photo*

Shawn Atleo spent much of last week marking the fifth anniversary of Stephen Harper's apology for the residential schools system that took such a physical and emotional toll on this country's aboriginals.

But he also was marking the five-month anniversary of a [Langevin Block meeting](#) with the prime minister, a meeting fuelled by an Idle No More movement, a chief fasting on nearby Victoria Island, tension on the streets of downtown Ottawa and a sense that treatment of aboriginals in this country had reached some type of tipping point.

Five years ago, his late grandmother told Atleo, "grandson, they are just beginning to see us."

Five months ago, there was a promise of more meetings and hope for some progress, finally, on government-aboriginal relations.

Neither promise has come to fruition. Instead, there is just more frustration.

Atleo, the national chief of the Assembly of First Nations, speaks of the need for transformative change in this country, an end to nibbling on the margins and slow, incremental developments, but he has little to show for the dramatic mid-winter turn of events.

Since then, the [AFN has been hit by a funding cut](#), one much deeper than Atleo had anticipated.



The Conservative government passed two more pieces of legislation in recent days that natives view as paternalistic, top-down dictates, and a unanimous call from the provinces for a national inquiry into missing and murdered aboriginal women has been ignored by the Harper government.

If there are more aboriginal protests this summer, they will not take place at Atleo's call, but they will also be out of his control.

"We've been unable to break the patterns, that colonial mindset that established the residential schools, one of unilateralism and top-down decision making we have seen continue since the time of the apology," he told The Star's editorial board Friday.

"This moment is about recognizing the determination of our young, that we can't wait, we have to do this now."

The native leadership in this country gives passing marks to Bernard Valcourt, the man who replaced the beleaguered John Duncan as the aboriginal affairs minister.

He is listening, they say, and he is trying to understand, but Atleo and others are still dealing with a bureaucratic inertia, now coupled with turmoil in the Prime Minister's Office.

Harper, in that meeting of Jan. 11, agreed with Atleo there was a need for political oversight.

Instead, the aboriginal leadership in this country is challenging Ottawa at a human rights tribunal over the gap in child welfare funding between aboriginal and non-aboriginal youth and the file is bogged down in countless court challenges to Conservative policy and decisions across the country, Atleo says.

Ottawa has allowed a visit this autumn by the United Nations special rapporteur on the rights of indigenous people, James Anaya.

"A mirror has to be held up to this country," he says.

The federal government has had [an uneven relationship with independent observers](#), which the Conservatives see as UN interlopers, and Valcourt has also said he wants a meeting with Anaya to ensure any criticism of Canada is based on facts.

The minister and Atleo are at odds over the impact of legislation providing safe drinking water on reserves and improving rights among aboriginals in the case of marriage breakup.

"I will not apologize for wanting to spend more on housing, for child and family services, for water and sewer, for infrastructure and education," Valcourt told the CBC program The House.

The Harper government has also provided \$241 million for training programs for aboriginal youth on income assistance.

Atleo calls the legislation top-down, "Ottawa knows best," initiatives that should be crafted by aboriginals for aboriginals.

The flashpoint, or as Atleo calls it, the "perfect storm," is his peoples' determination to exercise free, prior and informed consent on more than 500 natural resources projects the Harper government has valued at \$600 billion over the next 20 years.

The economic future of this country can be based on aboriginal values, he says.

To be sure, Atleo has his own challenges.

The AFN holds its national assembly in Whitehorse next month and his leadership appears to be perpetually undermined by other First Nations leaders.

He appears there, it would seem, without any "deliverables," from Ottawa and little progress to brag about.

He has his own political future to worry about, but the chief is warning of the bigger picture.

As summer looms and the weather warms, "be clear there is frustration," he said.

## **New drinking water act will fail First Nations: Saskatchewan Indian federation**

[Canada First Perspective](#)

June 17, 2013

SASKATOON - A Saskatchewan native organization says new federal legislation on safe drinking water for aboriginal communities will fail.

The Federation of Saskatchewan Indian Nations says the act does not guarantee access to safe drinking water.

It says the act transfers the burden of water regulation to band councils that have limited capacity or resources to meet standards.

Federation vice-chief Kimberly Jonathan says First Nations water treatment plants can only deal with certain types and levels of contamination and there will come a point when the water is untreatable.

Jonathan also says there isn't any money from Ottawa for reserves to improve water systems.

The bill was introduced in February 2012 and passed third reading in the House of Commons on Monday.

Unsafe drinking water on reserves has been the subject of many reports and recommendations. A 2011 government-commissioned report on First Nations water and waste-water treatment showed that 39 per cent of reserves had water at high risk of being unsafe and 34 per cent of reserves had supplies at medium risk.

The report estimated that bringing reserve water systems up to federal standards would cost about \$1.2 billion. Maintaining them at that standard would cost \$4.7 billion over 10 years.

## Smith writes of First Nations in Oakville

[Halton News](#)

June 17, 2013

Nathan Howes



*Smith writes of First Nations in Oakville. Oakville native and author Don Smith will be in Oakville to speak about First Nations history in Oakville at central library on June 24.*

Oakville native and author Don Smith wants to fill the gap in the history of local First Nations by telling the story through the eyes of others.

That's what he set out to do in his latest book – *Mississauga Portraits: Ojibwe Voices from the Nineteenth Century Canada* – which recreates the lives of eight Ojibwa whose historical activities have never been fully documented.

The former University of Calgary history professor will be returning to Oakville on June 24 as part of a weeklong speaking tour to promote his new book.

The Oakville Historical Society will be hosting the event at the Oakville Public Library.

**"There is evidence of an Aboriginal presence in Oakville in the early 19th century, which includes lots of archaeological evidence."**

**Don Smith, Oakville native and author**

"The evening is important because it's my hometown. I didn't hear this story (before) and I want to tell it. The stuff wasn't there and it's still not there," said Smith.

"There is evidence of an Aboriginal presence in Oakville in the early 19<sup>th</sup> century, which includes lots of archaeological evidence."

*Mississauga Portraits* covers the history of the Mississauga 150 to 200 years ago. Mississauga is the name given to Ojibwa living on the north side of Lake Ontario by 19<sup>th</sup> century British Canadian settlers.

As part of his talk, Smith will discuss some of the biographical sketches in his book.

One of them is Maungwudaus, or George Henry, who toured with his family in Britain, France and North America in the 1850s.

"He became a showman and went to Europe and performed there. His son, Saigitoo, was with him and he performed before the King of France and King of Belgium," said Smith.

"These people were internationally successful and then they came back to Canada."

Around 1854, Saigitoo married Cathy Finger, also known as Crooked Finger. The Fingers set up their trapping and hunting territory near Sixteen Mile Creek.

Saigitoo was an herbalist and visited Urquhart's Medical Hall on Colborne Street, now Lakeshore Road, in 1889.

"There was a Native presence there and definitely the surveyor indicates they planted corn in the river valley, but they were primarily fishers and hunters. They weren't like the Iroquois, who were agriculturalists," said Smith.

The Oakville area remained a First Nations reserve until 1827 when Town founder Colonel William Chisholm purchased the land.

"(Oakville and Mississauga) are symbiotic. The stories fit together. The money (William) Chisholm pays for Oakville was used to build the log cabins for the converts," said Smith.

To write a historical record of the Mississauga, Smith said he had to have a lot of material because you can't get into it "with just a slim file."

"It had to be meaningful. Some folks were good, but in the end there wasn't enough or they didn't have spunk or personality," said Smith.

He noted there also had to be a theme to their lives. For example, Maungwudaus was an entrepreneur and an "absolute genius," while George Copway became a "literary sensation."

"He becomes Canada's best-known author in the United States from 1847-1851. The theme there is (his writings). He's a First Nations person in a world that is not very sympathetic to First Nations," said Smith.

As an author and former history professor, Smith said *Mississauga Portraits* is an important book because "it's unfinished work and it tells a great story," he said.

"You've got your central character in Chapter 1, but then you got seven other visions of the same topic, which is change, need to adapt, desire to retain land and desire to retain culture," said Smith.

"They became First Nations Christians and it works here, at least for a generation."

To coincide with the release of *Mississauga Portraits* on June 17, a second edition of his previous novel, *Sacred Feathers*, is being published. Proceeds from Smith's new book will go to the Sacred Feathers Scholarship he established at the University of Toronto.

"The real thrill for me is that this event is on the site where my public school was. It doesn't get any better than this. I didn't know anything before about where I was."

Smith's presentation will be Monday, June 24 at the Oakville Public Library Central Branch, 120 Navy St. It runs from 7-8:30 p.m. Admission is free. For more information, visit [www.oakvillehistory.org](http://www.oakvillehistory.org) or call 905-844-2695.

## **Provinces Highest Court Finds Steps To Include First Nations On Juries Woefully Lacking**

[Turtle Island News](#)

June 17, 2013

THUNDER BAY: Nishnawbe Aski Nation (NAN) Deputy Grand Chief Alvin Fiddler welcomed a landmark judgment today as the Ontario Court of Appeal has allowed the appeal in the jury roll case of R. v. Kokopenace in respect of a conviction for manslaughter, rejecting Crown arguments as to the legality of the Kenora jury roll.

Pointing to "inattention" and inappropriate reliance on a "junior bureaucrat" as the State's primary and inadequate response to exclusion of First Nations people from the jury roll, the Court of Appeal has held that the Ministry of the Attorney General "completely ignored" its obligation to negotiate the jury roll issue with NAN.

"NAN has been pursuing the issue of the exclusion of our people from the Ontario jury system for many years," said NAN Deputy Grand Chief Alvin Fiddler, who holds the justice portfolio at NAN. "We were stonewalled by the government and had to take this to the courts. The Ontario Court of Appeal has now delivered two judgments declaring that the exclusion of First Nations People is a wrong that must be righted. The Report of Justice Iacobucci on the underrepresentation of First Nations People from Ontario juries provides a roadmap for how to resolve this issue. It will require respectful Nation-to-Nation negotiations. We are hopeful that the Ontario government will now see that this is the way forward."

NAN was an intervener on the appeal which was heard May 2-4, 2012.

"Today, the Ontario Court of Appeal delivered a clear message to the Ontario government," said Julian Falconer, counsel for NAN on the appeal. "It called the government's efforts to meet its constitutional obligation to include First Nations People on Ontario juries 'sorely lacking.' The Court found that the government's efforts to create representative juries relied almost exclusively on a 'junior bureaucrat' who was given neither training nor supervision, and that the government ignored a 'known and worsening problem, year after year.' The Ontario government has run out of excuses. It needs to take immediate and

urgent steps to repair its relationships with First Nations' governments to address head-on the problem of Aboriginal estrangement from the justice system."

## **Background**

NAN's efforts to secure a review of the jury roll followed revelations during the Coroner's Inquest into the Deaths of Jamie Goodwin and Ricardo Wesley (the Kashechewan Inquest) in 2008 that the Kenora Judicial District jury roll contained names of First Nations people from only 14 of NAN's 49 First Nations.

In 2009, NAN again raised this issue in the Inquest into the Death of Reggie Bushie. In March 2011, NAN and two First Nation families won a landmark Court of Appeal judgment recognizing that Coroner's juries were required to be representative of

First Nations People. The Court ordered that the Coroner conduct an inquiry into the validity of the jury roll for the Thunder Bay Judicial District.

Pre-inquest hearings in the Bushie Inquest were held in July 2011 in Thunder Bay. In September 2011, the Coroner ruled that the 2011 jury roll for the Judicial District of Thunder Bay was not representative of First Nation reserve community residents, and that the inquest could not proceed.

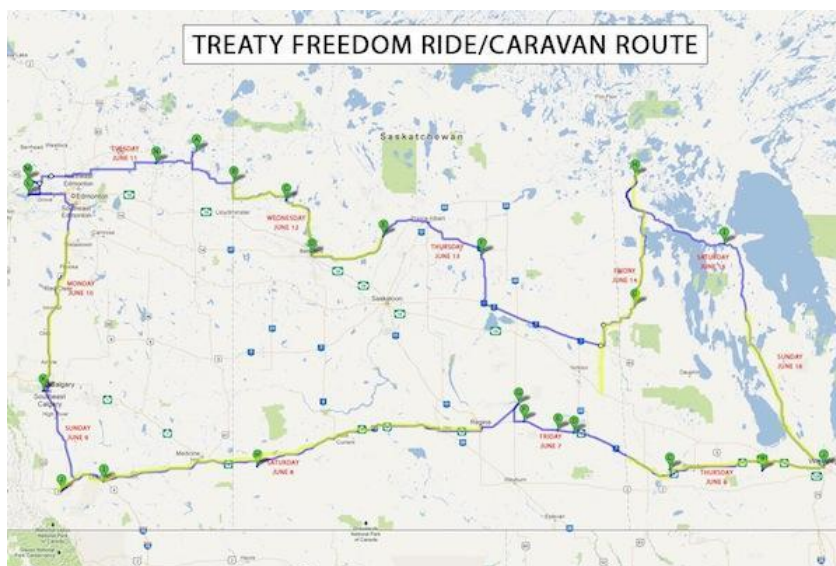
The Hon. Frank Iacobucci was appointed to report on First Nation representation on Ontario jury rolls in August, 2011 following court decisions questioning the validity of Ontario jury rolls with respect to representation by First Nations. His report, First Nations Representation on Ontario Juries, was released on February 26, 2013. It included 17 recommendations to ensure enhanced representation on the jury roll.

The decision is available on the Court of Appeal for Ontario's website:  
[www.ontariocourts.ca/decisions\\_index/en/](http://www.ontariocourts.ca/decisions_index/en/)

Nishnawbe Aski Nation is a political territorial organization representing 49 First Nation communities in James Bay Treaty No. 9 and Ontario portions of Treaty No. 5 – an area covering two thirds of the province of Ontario in Canada.

## **Freedom Ride Remembers and Renews Pre-Contact, Nation-to-Nation Treaties**

[Indian Country Today](#)  
June 16, 2013



*Assembly of Manitoba Chiefs.  
The route of the Freedom  
Treaty Ride/Caravan*

They've motored nearly 2,500 miles, and now the Freedom Caravan, consisting of five motorcycles and two vehicles bearing First Nations leaders and their support staff, have come full circle. They will arrive back in Winnipeg on Monday June 17.

They embarked on June 6 from Winnipeg, Manitoba and rode through dozens of First Nations territories, looping south and then north to Edmonton, Alberta, and

then doubling back east and north in an arc that has led them back to Winnipeg. The Freedom Treaty Ride/Caravan's goal is to illustrate the importance of the treaty relationship, which, as Assembly of Manitoba Chiefs Grand Chief Derek Nepinak points out in the video below, pre-dates even the treaties struck with the Crown.

"The treaty relationship did not just begin with the Crown, when we made treaty with the newcomers," says Nepinak in the video. "The treaty relationship extends far back into the history of our people. Before there was treaty with the Crown there was still treaty. Because we needed to be respectful of one another and we needed to figure out ways of living within the territories of the ancestral lands of our people, together and in harmony."

Nepinak started out along with former Chief Norman Bone of the Keeseekowenin Ojibway First Nation in the Treaty 2 lands of Riding Mountain. Joining them on motorcycles, the group now includes Councillor and Lawyer Joan Jack of Berens River First Nation, Doug Thomas of Peguis First Nations, communications officer for the Manitoba Chiefs, and Nadine McDougall of Fisher River Cree Nation. Also riding along, in vehicles, are several First Nations members, elders and leaders. The group is scheduled to arrive and hold a press conference at 10:30 a.m. on June 17 at the Red Sun Gas Bar, then proceed to Thunderbird House for ceremony and celebration.

"The Treaty Caravan is an extension of an existing mandate of the [Assembly of Manitoba Chiefs](#) to ensure that we begin re-establishing the treaty relationship on a nation to nation, treaty territory by treaty territory basis," the Manitoba Chiefs said in a statement. "This necessarily involves transcending contemporary provincial boundaries and promoting the treaty renewal message far and wide, without consideration of artificial boundaries created by settler society governments."

They needed to finish before June 21, the Summer Solstice, so they have beat their deadline. Along the way they have visited and chatted with community leaders, elders and tribal members, carrying a piece of the coal from the treaty fire that has burned during each treaty meeting in the traditional territories of Indigenous Peoples living in the areas of treaties 1 through 11, the statement explained. They also came bearing tobacco and a message about the July national treaty gathering at Onion Lake Cree Nation, which is Treaty 6 territory.

## **First Nations honour generations-old tradition at P.A. Urban Treaty Day**

[Prince Albert Herald](#)

17 June 2013 13:41

Kevin Hampson



First Nations gathered at the Senator Allen Bird Memorial gymnasium Friday to collect a \$5 bill from a red-coated Mountie.

The Mountie, Const. John Iron, stood behind a table over which the Union Jack was draped, alongside the Canadian flag. People waited in line before Const. Iron shook their hand and passed them the banknote.

It is a yearly ritual that has been taking place for generations.

"People kind of laugh when they hear that we come here to get \$5," said Gene Burns, who takes the occasion very seriously.

"But it's not the money, it's what it stands for. It means a lot to everyone here that our ancestors signed this on our behalf."

Treaty Day is a symbolic recognition of the more than 130-year relationship between the Crown and Canada's First Nations, Indian Affairs and Northern Development spokeswoman Jodi Woollam said.

"Treaties played a significant role in shaping this province. And they will continue to shape the province."

Treaty Day expresses a commitment between the government and First Nations to reconnect, Woollam said.

"It keeps our understanding of each other going," Burns added. "(It continues) a peace between us."

When the original treaties were made, a yearly payment of \$5 was part of a package that included things such as fishing tackle, hunting supplies and other material useful for traditional life, Woollam said.

Five bucks went a lot further 130 years ago, and nowadays not everyone goes every year to collect their treaty money. The government gives back-payments for years that were missed.

Samirah Sanderson, 17, doesn't bother to go every year. She knows that you get \$5 and meet the RCMP, but she says she's not sure about the historical significance.

Burns hopes to see more on the meaning of Treaty Day in the curriculum of Saskatchewan schools, so that both Aboriginals and non-Aboriginals will know more about its importance.

"A lot of people don't know about it," he said.

Woollam said that the occasion should also “build awareness among non-Aboriginals about the importance of treaties.

“We’re all treaty people. Not just First Nations, but every Canadian.”

## **Property law misses mark**

[The StarPhoenix](#)

June 17, 2013

A law to protect matrimonial rights on Canada's reserves has left out too much and not given enough consideration to the concerns of those directly affected to serve its intended purpose, despite the boasts of the federal government about protecting aboriginal women and promoting gender equality.

At best, it was a well-intentioned piece of legislation that's wholly inadequate to address the complexities involved. At worst, it comes across as another paternalistic imposition of federal rule over Canada's First Nations, done to serve political imperatives rather than meet some pressing needs.

The law is meant to address a legislative gap between reserve residents subject to federal jurisdiction and those who live off reserve and are covered by provincial law where it concerns property rights of spouses or common-law couples in the event of a relationship breakdown, divorce or death of a partner. The Indian Act makes no provisions for division of reserve matrimonial real property, while a Supreme Court ruling of 1986 states that provincial legislation in this area doesn't apply to reserves.

While the new law seeks to protect aboriginal women by allowing provincial judges to grant emergency protection orders in cases of domestic violence on reserves, critics rightly point out that justice officials are not readily accessible in remote areas. And, as the federal government did when it imposed the Safe Drinking Water for First Nations Act to create regulatory regimes for reserves without providing the resources they need to actually do what's required to improve water quality, the marital rights law isn't accompanied with any financial commitments that would enable abused women to actually access the legal means to protect themselves.

And even though bands will have a 12-month transitional period to enact their own community-specific real property law if they don't want the federal law to apply, they have no financial help to develop their own legislation or implement Ottawa's rules.

The government's lack of timely consultation, its impatience to enact legislation, however inadequate, and its seeming unwillingness to craft law capable of allowing for the cultural differences among First Nations spread across a vast land has meant virtually no buy-in from aboriginal groups, even many native women's organizations.

For instance, a spokesperson for the Saskatchewan Aboriginal Women's Circle Corporation points out that there's little support for women to stay in their marriage home if they aren't a member of that particular band. As well, president Judy Hughes told CKOM Radio that non-First Nations women who are married to First Nations men aren't covered by the Indian Act or by the matrimonial law.

Further complicating matters are such things as the communal band ownership of reserve homes, which renders moot the division of real property in matrimonial breakups. And the sad reality of grossly inadequate reserve housing, which means that a house is sometimes shared by two or more families, makes legislation on property division almost irrelevant.

Rhetoric and ideological posturing cannot replace consultation and co-operation in developing laws that pertain to First Nations. You'd think it's a lesson that experience would have taught Ottawa by now.

The editorials that appear in this space represent the opinion of The StarPhoenix. They are unsigned because they do not necessarily represent the personal views of the writers. The positions taken in the editorials are arrived at through discussion among the members of the newspaper's editorial board, which operates independently from the news departments of the paper.

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## **Indigenous housing in urgent need of repair**

[Yahoo! News](#)

June 17, 2013, 1:18 pm

Kathleen Dyett

A Canberra community housing provider says most of its properties are run down or badly in need of repair because of funding shortages.

The independent Southside Housing Aboriginal Corporation (SHAC) rents seven houses to Indigenous people on low incomes.

The ACT Government has stepped in to fix some properties where problems range from broken fences to exposed asbestos, and is relocating some tenants.

SHAC public officer Darren Williams says the organisation relies on volunteers and its only income is from rent.

"The Federal Government should be doing something. They're the ones who neglected the organisation in the first place. They basically haven't done anything for this organisation since the abolition of ATSIC," he said.

ACT Housing Minister Shane Rattenbury says he became aware of the problems in March, and the Government is working with the corporation to improve the situation.

"Whilst they're not Housing ACT properties they were in such a state of disrepair that I organised for Housing ACT to inspect them the next day," he said.

"We undertook urgent repairs within five days to make them liveable because some of the safety issues were so severe that even though they're not our properties we couldn't let people keep living like that."

A spokesman for the federal Department of Families, Housing, Community Services and Indigenous Affairs says the homes are owned by Southside Housing Aboriginal Corporation.

He says the department recently became aware of the poor condition of the properties and raised concerns with the relevant ACT Government officials.

He says rental accommodation in the ACT is subject to ACT legislation and regulation and the Commonwealth does not have the responsibility to manage, maintain or provide upkeep for the properties.

## **Aboriginal programs help keep youth out of jail:: Ontario's Ministry of Children and Youth Services promotes cultural connections**

[CBC News](#)

Jun 17, 2013 8:51 AM ET



(Jody Porter/CBC)

Aboriginal youth still make up a disproportionate number of the young people in custody in Ontario, but those number are in decline, according to the Ministry of Children and Youth.

Aboriginal youth make up about 9.3 per cent of the youth population in custody, the ministry said, compared to about four per cent of the general population.

The ministry has been responsible for youth justice in the province since 2004.

"There's still a significant over-representation within the custody population," said assistant deputy minister JoAnne Miller-Reid. "It is one of our foundational beliefs that the healing path for Aboriginal youth requires a respect for their culture."

To that end, the ministry funds several programs to connect young First Nations people with their traditions.

Elder Esther Lachinette-Diabo, who works out of a special cultural room at the Justice Ronald Lester Youth Center in Thunder Bay, said many of the young people she works with have no understanding of their own identity or spirituality.



*At the Justice Ronald Lester Youth Centre in Thunder Bay, Esther Lachinette-Diabo works to connect young offenders with Aboriginal culture. (Jody Porter/CBC)*

Lachinette-Diabo helps them learn cultural practices such as purifying with traditional medicines.

"A lot of them commented that when they smudge or purify themselves, that they're taking the negative energy that's within their whole being and they're grounding their feet to be able to walk in this world that is so full of hurt and turmoil for some of them," she said.

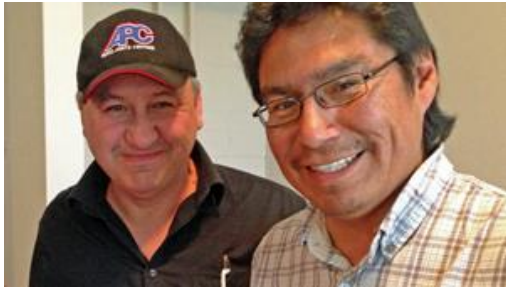
"That smudge or purification helps them understand there's a better way of life other than the one that they're living."

A 17-year-old young offender, who cannot be identified under the Youth Criminal Justice Act, told CBC News he grew up in foster homes, not even knowing he was Cree.

But with the Elders' help, that's changing.

"I feel comfortable in this room," the teen said, taking a chair in a circle by the drum. "You can talk about things in here that you can't talk about out there."

He said Lachinette-Diabo has taught him about the medicine wheel and about the clan system, but most importantly he said he has learned "to forgive others, to let things go, don't dwell in the past."



*In an attempt to keep First Nations youth out of custody, Sean Tresierra and John Ray Mequanawap help to connect them with their culture through the Remote Aboriginal Intervention Program. (Jody Porter/CBC)*

### **'I'm gangsta'**

The lifestyle that leads Aboriginal teens into conflict with the law is often cut off from their own families and heritage, according to Sean Tresierra.

"[I ask] the young people [in custody] ... 'where are you from?' ... They'll say 'I'm gangsta'," Tresierra said.

He co-ordinates the Remote Aboriginal Intervention Program, also funded by the Ministry of Children and Youth Services, to help keep First Nations young people out of custody.

"So part of our role is to work with probation (officers) in the communities to reach out a hand to the youth," Tresierra said. "That's our responsibility, to reach out a hand. It's not always easy for them to ask for help, so that's our job."

John Ray Mequanawap does the job in Eabametoong First Nation. "We have to show [youth] the ceremonies," Mequanawap said of his work.

"If we don't show them, if we show them wars, if we show them hate, that's what they'll pass on to the next generations. But if we show them all the things that we value today ... then I think it will continue on."

Miller-Reid said the Ministry is noticing the recidivism among youth is "dropping year over year" although the statistics aren't broken down by race, so there's no way of determining whether Aboriginal teens are more or less likely to re-offend.

However, overall, the number of youth in custody is down significantly since the Ministry took responsibility and Miller-Reid says all the money saved from keeping teens out of jail is being re-invested in community based programs.

## **Critics say the Tories are continuing to impose policies top-down on First Nations**

[Canada First Nation](#)

17 June 2013 14:11

Chris Plecash

The federal government continues to face accusations that it's imposing paternalistic legislation and failing to consult with First Nations, but the Conservatives insist that their legislation will improve on-reserve quality of life and stimulate economic development.

The Conservatives continued to move forward on First Nations legislation last week, passing two more bills that will impact those living on reserves across the country—for better or worse.

Bills S-2, the Family Homes and Matrimonial Interests Act; and S-8, the Safe Drinking Water for First Nations Act, passed third reading in the House of Commons last week and await royal assent.

The bills take steps to improve the quality of life for on-reserve First Nations, but have been criticized by the Assembly of First Nations, individual bands, and opposition critics for imposing new responsibilities on First Nations communities without addressing the underlying lack of capacity in many communities to implement the new requirements.

While Bill S-2 sets out rules for dividing on-reserve matrimonial property in cases of divorce and enables First Nations women to obtain emergency protection orders against abusive partners, it has been criticized for failing to address the demand for women's shelters, social services, and legal resources needed in cases of domestic disputes.

Bill S-8 empowers the federal government to impose mandatory drinking water and wastewater regulations for reserves, but doesn't address the issue of financing water system infrastructure and operation on reserves. The legislation also protects the federal government from being sued over any issues related to the regulations.

The recently passed bills are the latest to affect First Nations. Last year's budget bills, C-38 and C-45, sparked much of the outrage that led to the Idle No More movement by making significant amendments to environmental laws that will expedite natural resource development in and around First Nations' territory, including limiting the scope of the Fisheries Act and restricting the participation of groups in the environmental assessment process.

In March, the government passed the First Nations Financial Transparency Act, which requires First Nations bands to publish the salaries and expenses of elected officials online, as well as the financial information of band-controlled businesses. The requirements go far beyond MPs, Senators, and Cabinet ministers' own financial disclosure responsibilities, and the bill does not include funding for communities to implement the legislation.

The government is also moving ahead with Bill S-6, the First Nations Elections Act, which updates the framework for First Nations elections and includes clauses that enable the minister of Aboriginal Affairs to impose the requirements on communities without their approval.

Indigenous legal scholar John Borrows, a member of Ontario's Chippewas of Nawash First Nation, told The Hill Times that the government's current approach to First Nations' self-determination goes against traditional conservative values of limited government and free choice.

"Conservative principles are that big government should get off the backs of people, including Indian people, and the best way to get big government off the back of Indians is to allow them to locally determine what they think their objectives should be," Prof. Borrows said. "It's somewhat ironic that we have a Conservative government in power right now that seems to want to operate in accordance with these Republican-type principles, and yet it's big government that's being used to put in place the [First Nations] transparency act, the elections act, and the matrimonial property act."

Prof. Borrows, who previously taught aboriginal law at the universities of Toronto and Victoria, is currently the Robina Chair in Law, Public Policy, and Society at the University of Minnesota. Since joining the University of Minnesota in 2009 he has studied U.S. policy and found greater progress south of the border in promoting indigenous self-governance.

"The reason is that all of these pieces of [U.S.] legislation have as their guiding principle that Indian people are self-determining," Prof. Borrows said. "What Congress does is pass enabling legislation which recognizes the inherent rights of indigenous self-determination. This enabling legislation allows governments to be able to partner with First Nations as they determine on a piece-by-piece basis."

Federal legislation and policies aimed at facilitating First Nations self-governance is not at work in any of the government's recently passed legislation, said Liberal MP Carolyn Bennett (St. Paul's, Ont.), her parties aboriginal affairs critic.

The problem, said Ms. Bennett, is that much of the government's legislation is mandatory for First Nations and gives the minister of Aboriginal Affairs the power to impose requirements and withhold funding based on new conditions.

The First Nations Financial Transparency Act allows the minister of Aboriginal Affairs to withhold or terminate funding if a reserve fails to meet the requirements, the First Nations Elections Act allows the minister to impose the requirements on reserves without their consent, and the Safe Drinking Water for First Nations Act protects the federal government from litigation.



"It is a bizarre approach to resetting the relationship and the duty to consult. It's paternalism and prescriptive 'father knows best,'" Ms. Bennett told The Hill Times.

Ms. Bennett, who sits on the House Aboriginal Affairs Committee, said that on bills like S-2 and S-8, several witnesses raised concerns that the federal regulations would put new pressures on reserves without addressing the lack of capacity that is required for implementation.

Ms. Bennett said that the First Nations Election Act "could have been a poster child" for a new way for the federal government to work with First Nations, but the government instead chose to allow it to be imposed without consultation.

"This was an opt-in bill that should have been supported because it was optional, and they couldn't help themselves—they put in a clause that allows the minister to impose it," she said. "They have suggestions coming bottom up from First Nations, they codify them, and then add some poison pill at the last minute."

However, Andrea Richer, press secretary to Aboriginal Affairs Minister Bernard Valcourt (Madawaska-Restigouche, N.B.) disputed suggestions that the government was failing to take its consultation with First Nations into account when it drafts legislation.

Ms. Richer stated in an email response that the government had consulted with First Nations on the forthcoming First Nations Education Act, which she said would make on reserve schools "of equivalent quality" to off reserve schools and be "flexible enough" to enable First Nations to design programs and curriculum that would address their unique needs and interests. She said that draft legislation based on consultation will be shared with First Nations and educators by the end of the summer.

"This is just one example of the steps our government has taken to create the conditions for healthier, more self-sufficient First Nations," she replied. "We remain committed to continue working with aboriginal Canadians and ensure they are full participants in building a better future for themselves and a stronger future for Canada."

## **Aboriginal Peoples persistently Disadvantaged: Canadian Human Rights Commission report compares Aboriginal Peoples to non-aboriginals**

[CBC News](#)

Jun 17, 2013 12:14 PM PT



*The human rights commission report found Canada's Aboriginal Peoples continue to experience conditions of persistent disadvantage (CBC)*

Canada's Aboriginal Peoples still face barriers to equality of opportunity, in comparison to non-aboriginal people, according to a report by the Canadian Human Rights Commission.

The report, entitled "Equality Rights of Aboriginal People," found Aboriginal Peoples continue to experience conditions of persistent disadvantage, including a greater likelihood of suffering violent crimes and physical, emotional or sexual abuse.

Compared to non-aboriginal people, Aboriginal Peoples have lower median after-tax income. They also are more likely to:

- Collect employment insurance and social assistance.
- Live in housing in need of major repairs.
- Experience physical, emotional or sexual abuse.
- Be victims of violent crimes
- Be incarcerated and less likely to be granted parole.

The commission also found Aboriginal Peoples have lower median after-tax income, and are more likely be incarcerated while less likely to be granted parole.

The report is based mainly on data collected by Statistics Canada, comparing Aboriginal Peoples and non-aboriginal people across a range of indicators, including education, employment, economic well-being, health and housing.

The report compiles a number of studies from 2005 to 2010 and aimed to be as comprehensive as possible.

However, Aboriginal Peoples living off-reserve are better represented in the statistics available. On reserves, data are much harder to come by and in some cases, were not available at all.

The Canadian Human Rights Commission expects to repeat the report in future years to monitor change in the well-being of Aboriginal Peoples.

## **SK First Nations women's group questions new matrimonial rights act**

[CJME Talk 980](#)

17 June 2013 13:36

Courtney Mintenko

A Saskatchewan First Nation's women's group isn't sure a new law meant to protect matrimonial rights on reserves will accomplish what its setting out to do.

The Family Homes on Reserves and Matrimonial Interests or Rights Act passed its third reading Tuesday before passing through the senate. The act sets out rules for dividing property if a couple breaks up, divorces, or if one partner dies. It also allows a provincial judge to issue a restraining order in cases of domestic violence. The NDP and some First Nations groups question the actual implementation of the law.

The Saskatchewan Aboriginal Women's Circle Corporation (SAWCC) was part of the seven years of talks leading up to Bill S-2, but president Judy Hughes says much of the input given didn't make it into the law.

"Even the amount of recommendations and input that was submitted to the government when they were drafting this legislation, many of them aren't being acknowledged," Hughes said.

"I don't want to say we're back at square one because there are some things in there. We need some sort of legislation, but it definitely has to be where it can ensure a safe community first."

One of SAWCC's main goals is to protect aboriginal women, ensuring women and children don't have to flee their home when subjected to violence. Hughes says this legislation should begin to address that. However, there are some concerns that specifically pertain to Saskatchewan women that Hughes believes are not addressed.

The first concern is having support for women to stay in their marriage home on a reserve even when they are not a member of that particular band. Another Saskatchewan issue concerns non First Nations women who are married to First Nations men.

"They're not covered either under this legislation or under First Nation legislation." Hughes also notes difficulties for First Nations communities to implement what is set out in the law.

"There's extreme expectations upon First Nations governments to implement this and carry it out. However, no resources whatsoever have been allotted to support them," she said.

The resources are bigger than financial, as Hughes sees it. They include family-support services, ways to help reduce family violence, providing more shelters or increasing policing support, and increasing housing.

Hughes thinks the law still requires collaboration with First Nations' groups, saying it's critical that their views are taken into account, especially in the implementation. "We need to be ensured that our values, our cultures, our legal systems that we have are going to be recognized and respected (as we) look at how we can work together. Because ultimately, the two systems have to work together."

## **Human Rights Commission report points out gaps in aboriginal well-being**

[Ottawa Citizen](#)

June 17, 2013



*A group of young aboriginal people who travelled 1,600 kilometre on foot from the James Bay Cree community of Whapmagoostui, Quebec celebrate their arrival on Parliament hill in Ottawa, Monday, March 25, 2013. Photograph by: Fred Chartrand / The Canadian Press, Postmedia News*

OTTAWA – A month after data from Statistics Canada's 2011 National Household Survey painted a picture of a young aboriginal population struggling with social challenges, the Canadian Human Rights Commission is confirming

what we know: that this group fares worse than the general population on several measures of health and wellness.



"This is not news that should come as a surprise to anybody," said David Gollob of the Canadian Human Rights Commission, which on Monday published a [report](#) that points out stark differences between Canada's aboriginal and non-aboriginal populations when it comes to indicators of well-being. The document will serve as a benchmark for the commission to monitor how the well-being of Canada's aboriginal people changes – or fails to change – in the future.

The commission report finds that Canada's aboriginal people see lower rates of university enrolment, higher levels of unemployment, less access to health care and a bigger need for basic housing than the general population. Also among the findings are that aboriginal people are more likely than non-aboriginals to be abused, fall victim to violent crimes and be imprisoned.

The report is the second in a series being done by the Canadian Human Rights Commission to look at how inequalities affect the country's vulnerable populations. The commission, which upholds the Canadian Human Rights Act and investigates complaints about discrimination in the workplace, last year published a report looking at the well-being of people with disabilities and will eventually release studies examining the conditions faced by women and visible minorities.

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## **Ontario manslaughter conviction tossed over lack of aboriginal jurors**

[CTV News](#)

June 14, 2013 2:04PM EDT

Colin Perkel



*TORONTO -- A convicted killer will get a new trial after Ontario's top court ruled Friday the provincial government violated his rights by failing to ensure aboriginals were properly represented on jury rolls despite knowing about the long-standing problem.*

In a split decision that quashed a manslaughter conviction against Clifford Kokopenace, the Ontario Court of Appeal chastised the province for its inaction.

"The integrity of the process was fundamentally compromised by the inattention paid by the state to a known and worsening problem, year after year," the court ruled.

"What the state knew or ought to have known was considerable; what the state did in response was very little."

A non-aboriginal jury in Kenora, Ont., convicted Kokopenace in 2008 of stabbing a friend to death on the Grassy Narrows reserve.

In 2011, the Appeal Court upheld the manslaughter conviction as reasonable. However, in an unusual twist, the court put the ruling on hold in light of the constitutional challenge sparked by the jury-representation issue.

Lawyer Julian Falconer, who speaks for the Nishnawbe Aski Nation which intervened in the appellate hearing, said the court has now laid out a standard of conduct for the Ontario government's dealings with First Nations in the context of the justice system.

"This case is of huge consequence because it leaves absolutely no doubt as to the extreme neglect on the part of the Ministry of the Attorney General as it relates to excluding First Nations from the jury rolls," Falconer said.

"This judgment is a complete answer to any suggestion that the blatant exclusion of First Nations from the process was somehow the fault of First Nations."

The years-long under-representation of aboriginals came to light at coroner's inquests in northern Ontario into the 2007 deaths of two aboriginals.

In 2008, the jury roll for Kenora comprised 699 potential jurors of whom only 29 or 4.1 per cent were on-reserve residents even though First Nation residents represented about 33 per cent of the district population.

The issue paralyzed jury proceedings -- criminal, civil and inquest -- in the region.

Writing for the majority, Justice Harry LaForme said the Kokopenace case had to be judged against the problems aboriginals face in dealing with the justice system.

"Canadian courts have not only commented on the stark reality of aboriginal overrepresentation in the criminal justice system, but they have also observed its roots in an attitude of discrimination that pervades the administration of justice," LaForme wrote.

In agreeing with LaForme, Justice Stephen Goudge noted the relevance of the state's "special relationship" with aboriginal people.

For its part, the Ontario government argued that justice officials did their best to ensure representative juries, but was stymied by privacy legislation and lack of co-operation by First Nation leaders.

The Appeal Court would have none of that, saying the province should have done much more to remedy the situation.

"The quality of effort, especially given the nature and extent of the problem, was sorely lacking," it wrote.

"The ultimate question of whether, in all the circumstances, the state made reasonable efforts to compile source lists for the preparation of the 2008 jury roll in Kenora must be answered in the negative."

In a lengthy dissenting opinion, Justice Paul Rouleau said the government was struggling to understand the complex under-representation problem and did what was constitutionally required in its efforts to address the problem.

There was no immediate reaction from the government.

In February, former Supreme Court justice Frank Iacobucci said the province's First Nations faced a justice and jury system in a state of crisis that required urgent action.

One reason Iacobucci gave was a lack of representation of First Nations peoples on juries of "serious proportion."

## **A growing number of aboriginals living in urban areas: TD Bank**

[Global News](#)

June 17, 2013

Carey Marsden

They call themselves Concrete Indians: Aboriginal families who live in urban areas.

According to Census data, it's a growing trend. Between 2001 and 2006, the Aboriginal population in Toronto grew by 31 per cent.

TD Bank Group highlights this fact in its annual report, "[Debunking myths surrounding Canada's Aboriginal population](#)."

Derek Burleton is Vice President and Deputy Chief Economist with TD Bank Financial Group authored the report and says one of the myths surrounding Aboriginal people is that they live in remote, undeveloped areas.

"I think it's striking that more than half of individuals in Canada that identify as aboriginals now locate outside of off reserves and most of those are in cities," Burleton said.

He added that updated 2011 census data reinforced the trend.

Gabrielle Scrimshaw is part of that trend: She moved to Toronto from Hatchet Lake First Nation in Northern Saskatchewan. She says Toronto was a one way ticket, to work on Bay Street.

"I knew I had no friends I had no family in to...but I knew that the opportunity, I felt that it was a good one and I felt that it could be transformative," she said.

A resident of Toronto for three years, she also co-founded The Aboriginal Professionals Association of Canada. The organization now boasts more than 300 members.

She says it's important for aboriginals to have a strong presence in the city.

And that is why she made the big decision to leave the safety net of home to be here.

"Within the Greater Toronto Area are 80% of Canada's head offices," she said. "Those are head offices that are making decisions for the rest of Canada...we need to have aboriginal representation in every one of those organizations."

The Native Canadian Centre of Toronto is a cultural sanctuary for the city's Aboriginal population. J'net Cavanagh works there in the communications department.

"The Toronto region has upwards of 70 to 90,0000 aboriginal people living in the GTA," she said. "They started moving here in the early 70's...this Native Canadian Centre used to be called the Indian club because there was a rise of indigenous people moving to the city."

Cavanagh says most people move to the city for education or employment.

Farrah Keshane moved to Toronto with her 2 children. She says she moved to the city to make a life for her and her family. Originally from Key First Nation in Saskatchewan, she says the transition to a big city helped because she had a plan.



"Having a goal and ambition in mind and keeping a close connection to who you are and where you come from cause it's so easy to get lost," she said.

The TD Bank report looked at myths such as:

- \*Aboriginal people are falling behind in the job market

- \*Aboriginal businesses are not very successful

- \*Aboriginal businesses are just riding the coattails of the resource sector

***This story is the first in a week-long series that will delve into myths and celebrate aboriginal people in the traditional and contemporary world.***

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## **Arctic research station design incorporates Inuit knowledge: Design for station unveiled in Cambridge Bay, Nunavut**

[CBC News](#)

Jun 17, 2013 7:19 PM CT



*The CHARS site will be located on the outskirts of the community of Cambridge Bay, Nunavut. It will be one of the largest buildings in the territory. (FGMDA/NFOE Architects)*

Inuit knowledge and culture have played major roles in the design and function of the \$142 million High Arctic Research Station planned for Cambridge Bay, Nunavut.

Architects working on the project, which will be one of the largest buildings in Nunavut, unveiled their plans to the community last week.

In 2010, the federal government chose the hamlet for the site of Canada's newest research station, called CHARs.

Montreal architect Alain Fournier told community members that the design team considered Inuit culture and philosophy in almost every aspect.

"It's more than just token, hanging cultural elements here, cultural elements there," he said.

"It's really trying to delve as deeply as we can into the sources of culture. This is not an ivory tower. It's a research station that intends to be welcoming and open."

An outdoor space recalling a Qaggiq, a massive communal igloo, will welcome guests to the station. Inside it is another public space for locals and researchers to sit and have tea.

**'It's more than just token, hanging cultural elements here, cultural elements there.'**—*Architect Alain Fournier*

The grounds include five buildings: the main station, maintenance and field house, two tri-plexes, and a dorm for visiting scientists.

The facility is also environmentally friendly. Solar panels will line the southern facade, and there will be composting toilets.

Fournier said every detail was influenced by people who know the land the best.



*A view of the inside of the building, according to preliminary plans. The final blue prints will be done soon and sent back to the community for further consultation. (FGMDA/NFOE Architects)*

"For instance, all the main entrances are located in such a way that they are scoured by the wind so snow won't accumulate. It's common sense, but it's common sense based on tradition."

The nod to tradition isn't going unnoticed.

"Having traditional knowledge incorporated in the facility is the most important thing. For youth, it will be an opportunity of identity, [to] know who they are," said community member Bernice Lyall.

Formal blueprints will be ready in about a month. Then, the design team will return to the hamlet for further consultation.

Construction is scheduled to begin next summer to transform the rugged landscape into a world-class research hub.

## **Liberal MP Bob Rae steps down to devote himself to aboriginal role**

[Ottawa Citizen](#)

June 19, 2013 12:14 PM

Michael Woods



*Liberal MP Bob Rae speaks during a press conference on Parliament Hill in Ottawa, Wednesday, June 19, 2013. Rae, former interim Liberal leader and one-time NDP premier of Ontario, is resigning as an MP, winding up a political career that stretched over 35 years and two parties. THE CANADIAN PRESS/Sean Kilpatrick*

OTTAWA – Former interim Liberal leader Bob Rae is resigning as a member of Parliament.

An emotional Rae made the announcement Wednesday morning, flanked by Liberal leader Justin Trudeau.

Rae is stepping down to fully focus on his role as chief negotiator for First Nations in Ontario in talks with the provincial government about how aboriginals can benefit from the resource-rich "Ring of Fire" area.

Rae said it has become clear that it was impossible to perform that role and his duties as a member of Parliament at the same time.

Rae served as interim Liberal leader from May 2011 until April 2013, when Justin Trudeau was elected party leader. His departure will be seen by some as a blow for the Liberal caucus, which loses his decades of political experience and heavyweight presence in the House of Commons. Trudeau told reporters he was "sad" that Rae was leaving but said his work with aboriginals was "extremely important."

He also lauded Rae's "passion" and called him "a valued friend."

Rae, a former Ontario premier and an outspoken advocate for aboriginal rights, is also an experienced mediator.

He was the NDP Ontario premier from 1990 to 1995.

### **Statement by Bob Rae**

Some months ago I agreed to work with the Matawa Tribal Council in northern Ontario as their negotiator in dealings with the government of Ontario.

The Ring of Fire mining development will have a huge impact on the communities in the area and well beyond. How positive that impact could be has yet to be determined, and will depend on the outcome of the discussions that are now underway, and will only intensify in the time ahead.

It has become clear to me that the full scope of the negotiator's job is no longer compatible with my also serving as a member of Parliament. And so I face a choice.

I have decided to return to my profession as a lawyer and mediator, to continue working for the Matawa Tribal Council, and to step down as the Member of Parliament for Toronto Centre.

This has been a difficult personal decision. I was first elected to Parliament in 1978, and was deeply honoured to have had the chance to serve again these past five years, as well as to lead the Liberal Party at a time of change and renewal. I have made wonderful friendships, and am so proud of the renewal and rebuilding that has been accomplished over the last few years. I'm leaving the party in confidence that the party is in good shape.

I am especially happy that as interim leader I was able to champion aboriginal issues, and share the importance of mental health with my colleagues. I also particularly enjoyed having the confidence of Stephane Dion, Michael Ignatieff and Justin Trudeau as foreign affairs spokesman for the Liberal Party. I shall miss this work very much.

I want to thank my constituents in Toronto Centre, my colleagues and friends in the Liberal Party and all parties in Parliament, my leader, Justin Trudeau, and the people of Canada for giving me the chance to serve. It has been an honour and a pleasure.

Helping to improve the life of First Nations people has been a longstanding commitment of mine, and this opportunity to serve is one I felt I could not decline.

I have told Mr. Trudeau and my colleagues that I shall continue to work for the Liberal Party, and I look forward to remaining engaged in Canadian public life.

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## **'Shocking' half of Canada's First Nations kids living in poverty, new study finds**

[Regina Leader-Post](#)

June 18, 2013

Colin Perkel



*FILE: Grand Chief Stewart Phillip. Half of Canada's First Nations children are living in poverty, triple the national average, according to a new analysis of census statistics that pegs the cost of easing the problem at \$580-million a year. Photograph by: Jason Payne Jason Payne, PNG*

**TORONTO** — Half of Canada's First Nations children are living in poverty, triple the national average, according to a new analysis of census statistics that pegs the

cost of easing the problem at \$580-million a year.

The study by the left-leaning Canadian Centre for Policy Alternatives being released Wednesday also paints a grim picture of Metis, Inuit, and non-status Indian children, as well as of children of immigrants and visible minorities.

The analysis of census data from 2006 — the latest year relevant statistics are available — finds one-third of immigrant children and almost one-quarter of visible minority kids live below the low income line.

For other indigenous children — Metis, Inuit, and non-status Indian children — the rate is about 27 per cent.

The overall rate for children who belong to none of those groups is about 12 per cent.

“That half of status First Nation children live in poverty should shock all Canadians,” said Patricia Erb, head of the charity Save the Children Canada.

The report points out that poverty is not just a measure of income, noting that status First Nations children often live in communities that are impoverished when it comes to services and infrastructure.

According to the study, indigenous children trail the rest of Canada’s children on practically every measure of well-being: family income, educational attainment, water quality, infant mortality, health, suicide, crowding and homelessness.

“Canada cannot and need not allow yet another generation of indigenous citizens to languish in poverty,” the study states.

“Failure to act will result in a more difficult, less productive, and shorter life for indigenous children.”

David Macdonald, the economist who co-authored the study for the policy centre, said the situation is even worse in Manitoba and Saskatchewan, where almost two out of three status First Nations children live in poverty.

To define the poverty, the analysis uses Statistics Canada’s after tax low income measure, which amounts to about \$38,000 a year for a family of four.

The report estimates it would cost \$7.5 billion a year from either market income or government transfers to bring all children in the country up to the poverty line.

The report suggests that government jurisdiction plays a critical role in the poverty rates, especially for First Nations children.

It urges an increase in federal child benefits but also says the key is to remove barriers to education, training, employment and entrepreneurship.

Study co-author, Daniel Wilson, said the indigenous population is the fastest growing in Canada.

"If we refuse to address the crushing poverty facing indigenous children, we will ensure the crisis of socioeconomic marginalization and wasted potential will continue," Wilson said.

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## **Court decision could prompt talks over ancient First Nations treaty on North Island, says lawyer**

[Canada First Perspective](#)

19 June 2013 14:11

VANCOUVER - A B.C. Supreme Court decision over land use on Vancouver Island could force the provincial and federal governments to implement a treaty first negotiated by the Crown more than 160 years ago, says a lawyer for a First Nation.

In a decision posted online Tuesday, Justice Gordon Weatherill refused to reverse a decision by the provincial government, allowing Western Forest Products Inc. to remove 14,000 hectares land from a tree-farm licence on the island's northern tip.

But the judge also encouraged the federal and provincial governments to engage the Kwakiutl First Nations on treaty rights, title and interests and negotiate a deal "without any further litigation, expense or delay."

Weatherill said the provincial government has an ongoing duty to consult with the band in good faith and seek accommodation over the First Nation's claim of aboriginal rights, titles and interests.

In response to the ruling, Louise Mandell, a lawyer for the band, said the Kwakiutl signed treaties with the Crown in the early 1850s but the agreements were never implemented and fell off the Crown's radar.

"This is a progression of trying to put the Crown's feet to the fire to get them to change policy ... so that the treaties can actually be implemented and the honour of the Crown be put into play," said Mandell.

The provincial government did not reply to a request for a comment, but the company stated in an email to The Canadian Press that it hopes the decision can form the foundation for a more positive interaction between all parties involved.

"We look forward to building positive relationships as we collaborate on sound forestry decisions," it stated.



The Kwakiutl First Nation is located on northern Vancouver Island, near the communities of Port McNeill and Port Hardy.

In February, 1851, the band negotiated several treaties with the Hudson's Bay Company, which governed the British colony at the time.

But according to Weatherill's ruling, the company neglected the treaties for many years and never properly surveyed the Kwakiutl village sites or its enclosed fields.

In fact, until 1886, no lands were reserved for the Kwakiutl. Only after the band was devastated by disease, was the Kwakiutl allotted land.

Against this historical backdrop, Western Forest Products Inc. grew to become the largest holder of Crown tenure in coastal B.C., gaining control of about 14,139 hectares of private land within the band's traditional territory.

The company notified the band in August 2005 that it planned to removed its private land from the tree farm licence and evaluate the possibility of its sale.

The provincial government approved the land's removal in January 2007.

The Kwakiutl then launched a judicial review in B.C. Supreme Court, arguing, in part, the provincial government had breached its constitutional duty by denying the band "meaningful consultations" in the matter.

However, Weatherill ruled the provincial government had satisfied its duty to consult with the First Nation, noting it had sought the band's input, provided the band with assistance and expertise and notified it of its decision.

"The KFN was given full opportunity to provide input regarding the impacts the decision would have on its asserted rights, titles and interests," said Weatherill.

Mandell said it's too early to tell whether the Kwakiutl will launch an appeal over Weatherill's ruling but noted the ruling includes some good news for the band.

"We have cleared away some of the rubble on the road, which prevents the treaty from being implemented, but the governments still needs to step to the plate and get a process for treaty implementation," she said.

## **Allowing private home ownership on reserves could be key to improving well-being for Natives: report**

[National Post](#)



13/06/20 2:12 AM ET  
Jen Gerson



*Postmedia News file*A house in God's River First Nation, Man. First Nations that opt for proposed legislation allowing private ownership could see higher levels of income, employment and education says a Fraser Institute report

First Nations that opt for proposed federal legislation allowing private ownership on reserve land could see the well-being of their communities improve, says a new report by the Fraser Institute.

The exploratory study, published Wednesday by Katrine Beauregard and former Stephen Harper advisor Tom Flanagan, suggests private property may be the key to bringing levels of income, employment and education in First Nations' communities up to Canadian standards.

"There have been a lot of studies that have shown across the world, frankly, that people in countries that have advanced property rights do well," said Ravina Bains, associate director for the centre of aboriginal policy studies at the conservative think tank.

First Nations people cannot own land on reserves. Property is held in trust by councils for the government. However, some communities have a limited form of individual property ownership known as a certificate of possession.

When you and I own a home or land, one of the things we're able to do is generate credit or equity off that home and off that property

The institute also studied reserves that had enacted taxation, entered into the First Nations' land management framework agreements and had avoided external fiscal management.

Ms. Bains said communities that had adopted more private-property friendly policies — those that had a higher density of certificates of possession, for example — did better on the federal government's community well-being index.

Home ownership encourages people to improve and maintain their property. It also gives them the opportunity to build equity and wealth.

"When you and I own a home or land, one of the things we're able to do is generate credit or equity off that home and off that property," Ms. Bains said.

"That allows us to invest in small business, if we want to. Or to send our kids to college, or go to college ourselves. We use equity and credit to further that education."

The report is also receiving the support of private property advocates, such as Mike LeBourdais, chief of the Whispering Pines First Nation in the British Columbia interior.

"We make the mortgage payments, we pay insurance repairs, yet we don't enjoy the property benefits in the way normal Canadians do," he said.

A group of First Nations' advocates is drafting federal legislation that would allow communities to adopt a private ownership model on reserves voluntarily.

Off reserve, owning a home is not a big deal. It's actually an expectation. On reserve, lotteries determine who gets a home. It becomes a political football

Under the proposals being put together by the First Nations Property Ownership Initiative, led by chief Manny Jules, local tribes would retain full jurisdiction over their lands. They would also be allowed to designate community-owned lands. However, individuals would be able to buy or sell their own plots on reserve.

Mr. LeBourdais, who hopes this legislation will be tabled in the fall, said this would be effectively be a transfer of ownership from Ottawa to First Nations.

"When I point out to my friends, family and colleagues that they don't own their homes — that it's held in trust by the minister of Indian affairs — then they start to understand," he said.

Mr. LeBourdais acknowledges not every reserve is ready for the changes.

"It's a paradigm shift on reserve. Off reserve, owning a home is not a big deal. It's actually an expectation. On reserve, lotteries determine who gets a home. It becomes a political football," he said.



*THE CANADIAN PRESS/HO*The Northern Ontario reserve of Kashechewan is seen in this undated aerial photo. Proposed legislation would effectively be a transfer of land ownership from Ottawa to First Nations.

The proposed legislation, which has been brewing since 2006, has met with much controversy. In 2010, the Assembly of First Nations opposed the idea.

"First Nations have a relationship with our territories that is rooted in our spirituality as a gift from the Creator," it stated.

"Fee simple title will lead ultimately to the individual privatization of indigenous collective lands and resources and impose the colonizer's model on our Peoples."

Mr. LeBourdais said that philosophy just left bands like his with too few homes and long waiting lists. The educated young in his community simply go off reserve to buy homes.

"I don't think it's going to alienate or jeopardize First Nations in any way. It will benefit us," he said.

He added he was not made nervous by the massive housing meltdown in the U.S., or by fears of the precarious state of the housing market in Canada.

"All mortgages on reserve are already underwater," he said.

"My sister bought a home [through a certificate of possession] for \$93,000. It's going to be paid off in six months and it will be worth zero. It's always a housing crisis on reserve. it's always undervalued," he said.

"We tried to have a sale of band-owned houses on reserve and we didn't get one bid over \$10,000. Meanwhile, raw, undeveloped land beside the reserve is selling for \$5,000 an acre."

## **Rejecting Northern Gateway pipeline opens Canada to economic disaster, hearing told**

[Edmonton Journal](#)

June 17, 2013

Dene Moore



*Protesters in Terrace form a "women's circle" Sunday to honour those leading the fight against the Enbridge Northern Gateway project. Photograph by: Robin Rowland, CP*

TERRACE, B.C. — Canada will be vulnerable to economic disaster should the Northern Gateway pipeline be rejected, the proponent told a federal review panel Monday as the final phase of public hearings got underway.

Richard Neufeld, the lawyer for Calgary-based Enbridge (TSX:ENB), said there are billions of dollars at stake.

"It's going to allow our country to enjoy tremendous economic benefits that would be afforded by this project, while at the same time providing fair and reasonable protections for local and regional interests," he said.

The \$6-billion project would free land-locked Alberta to expand its customer base beyond the United States, delivering oil to a tanker port on the B.C. coast and beyond, to the lucrative oil markets of Asia.

Should the line be rejected, the whole country will face the economic consequences, he said.

"How about a decision from the U.S. that it will no longer need Canadian oil?" Neufeld told the panel.

"Canadians would be facing, we suggest, an economic catastrophe of unprecedented proportion."

After a more than a year of hearings, dozens of members of the public packed a hotel conference room in Terrace, B.C., to listen to the final arguments under the watchful eyes of private security guards and RCMP.

About 200 opponents of the project held a rally in the city on Sunday, and they promised another protest Monday afternoon outside the hotel in the scenic city 62 kilometres from Kitimat, the home of the proposed Northern Gateway tanker port. Last year, the city council in Terrace voted to oppose the pipeline. Nearby Smithers and Prince Rupert have done the same.

The project involves two 1,200-kilometre pipelines, one carrying diluted bitumen, the heavy, molasses-like oil produced in the oil sands, west to the tanker port, and the other carrying natural gas condensate, used to dilute the bitumen, east to Alberta.

More than three dozen parties are scheduled to make a final appeal to the panel over the next two weeks, including the province of British Columbia, which announced last month that it does not support the pipeline going ahead as proposed.

Although the panel reiterated Monday that all evidence is now closed, B.C. Premier Christy Clark said just last week that negotiations continue on the five conditions set out by the province.

Supporters of the pipeline that have remained largely quiet throughout the process are now slated to present their final arguments, including the Alberta government, the Edmonton Chamber of Commerce and Canadian Association of Petroleum Producers, as well as industry players such as Nexen and Cenovus (TSX:CVE).

Chief Herb Arcand, of the Alexander First Nation in Alberta, told the panel that his band has signed a partnership agreement with Enbridge, though he criticized the federal government for failing to meet its obligation to consult with First Nations. Although Enbridge has said 60 per cent of First Nations along the pipeline route have signed on for equity agreements, only one had admitted publicly to doing so, and faced a backlash from some community members.

John Carruthers, president of Northern Gateway Pipelines, said that as the clock winds down on the review process, he believes the project will go ahead. The company told the panel that, if approved, operations would commence in 2018 — two years after the initial estimated start date.

"Yes, the project should proceed, and that doesn't stop the dialogue," he said outside the hearing room.

"We'll continue to have dialogue with those who support the project, with those who oppose the project. There are still issues people have and we'll still try and address those, but in terms of the big questions, it's urgently needed and it can be built and operated safely."

Art Sterritt, executive director of Coastal First Nations, disagreed.

The coalition of aboriginal groups that call the B.C. coast home rejoined the review process it had walked away from earlier this year in order to appeal to the panel to reject the pipeline.

"As far as we're concerned, the Northern Gateway pipeline is not in the public interest and should be rejected," he told the panel.

"How can it be in the public interest to approve a project that is opposed by all coastal First Nations?"

The panel's report to the federal government is due by the end of the year. TERRACE, B.C. — Canada will be vulnerable to economic disaster should the Northern Gateway pipeline be rejected, the proponent told a federal review panel Monday as the final phase of public hearings got underway.

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## **B.C. First Nation sets fires to save bison: Fort Nelson First Nation reviving age-old practice of controlled burning to clear brush**

[CBC News](#)

Jun 20, 2013 12:54 PM ET

Duncan McCue



A First Nation band is reviving the age-old practice of controlled burning in order to improve the health of forests and restore

the population of the wood bison in a corner of northeastern B.C.

"Fire, used properly, is a friend, not an enemy," says Rose Loe, an elder in the Fort Nelson First Nation, which is composed of Dene and Cree people near the Yukon border.

**'Fire, used properly, is a friend, not an enemy.'** — *Rose Loe, elder in the Fort Nelson First Nation*

"We have this notion of 'Put out the fire,' like 'Don't let the fire spread,' and that's interfering with not just the bison, but our use of the land."

According to Sonja Levarkus, an ecologist working with the Fort Nelson First Nation, the controlled burning of forests gets rid of deadwood and stimulates the growth of more desirable vegetation.



The wood bison was wiped out in B.C. in the 1900s, but a tiny number survived in the Northwest Territories. Twenty years ago, a small herd was released deep in the B.C. bush. Over time, however, this threatened species has strayed from its home range and now grazes alongside the Alaska Highway, where the bison has become a hazard for motorists.

It is estimated five to 20 bison die every year as a result of vehicle accidents.

Sevarkus hopes that controlled burning of forests will produce a more open landscape and will entice the wood bison back to its home range.

### **Australian case study**

The benefits of controlled burning have been documented in Australia's Western Desert, where the Martu, a hunter-gatherer tribe, has been doing it since time immemorial.

By burning patches of spinofax shrubs, Martu hunters are better able to flush out prey such as goanna lizards.

Rebecca and Doug Bird, anthropologists from Stanford University who have studied the Martu's techniques, say it increases the tribe's hunting productivity significantly.



*This line of spot fires along the Liard River valley in northeastern B.C. is part of a patchwork mosaic of meadows meant to provide a more suitable habitat for wood bison. (Duncan McCue/CBC)*

Doug Bird says the fires also encourage a cycle of vegetation growth, which in turn acts as feed for everything from kangaroos to turkeys.

"On a daily basis in Martu country, there's probably no more than 100 people hunting and gathering in an area the size of the state of Wyoming," says Bird.

"Those 300 people are maintaining a landscape just through their daily practice that increases the biodiversity of that massive region just by going out and spending a few hours a day acquiring food."

Rebecca Bird says that due to concerns about safety, controlled burning is seen as a somewhat controversial practice in North America.

"You don't see indigenous people able to light fires in ways that are consistent with this very long history of tradition in almost any other environment, because they're constrained by so many other social-political factors, by urbanism, by pastoral interests, mining interests," says Bird.

### **Controlling forest fires**

While it may seem counterintuitive, controlled burning can actually mitigate forest fires, by removing dry growth that in hot weather could lead to bigger, more damaging fires.

After hundreds of homes were destroyed in Kelowna, B.C., by wildfire a decade ago, a provincial review of the disaster called for more controlled burns.

Lana Lowe, director of lands for the Fort Nelson First Nation, says that controlled burning has deep roots in her community. It was second nature to her grandfather, she says.

"He did it because the land needs to be taken care of, and that's part of taking care of the land, making sure that all this old scrub... isn't there, tripping up animals and choking out the medicine and food plants that come up for us."

*This story was produced with the support of the Bill Lane Center for the American West.*